

# U-2 Pilot Sentenced To Term of 10 Years

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By the Associated Press

Moscow

The Soviet Union has sentenced Francis Gary Powers to 10 years imprisonment for carrying out the U-2 spy flight of May 1.

A capital sentence had been possible but the prosecution asked for a 15-year sentence. Soviet defense counsel for Mr. Powers asked for less, without specifying the years.

The verdict said, without explanation, that the first three years of the 10-year sentence were to be served in prison with the remainder presumably in some other form of detention.

By Donald Mainwaring

Staff Writer of  
The Christian Science Monitor

"We must not forget that in the abnormal atmosphere of publicity surrounding the case of Francis G. Powers that the Soviet legal system is, on trial too," says an expert on Soviet law and procedure, Prof. Harold J. Berman of Harvard University's law school and Russian research center.

But the professor who has himself fought a case in the Moscow courts, adds that to attack Soviet justice in this case, except in its pre-trial procedures, would be useless, since it is founded on a totally different principle than most law in the West.

"It is quite in order for the Soviet to use the orthodox practice of the law in order to accomplish political and educational objectives.

"It is in fact their policy to do so.

"For Soviet jurists, law is basically a means of mobilizing society, or organizing the collective will, of training and educating the people to accomplish the revolutionary mission of society.

## Variance Defined

"Legal man" is not (considered to be in the Soviet Union) the mature, rational, self-willed individual of modern Western tradition, who knows his rights and stands or falls by his own claims or defenses; he is conceived rather as a youth, to be educated, disciplined, and protected or punished.

To suppose on the basis of his testimony so far that pilot Powers has been brainwashed is "simply nonsense" according to Professor Berman.

Brainwashing is, of course, an adjunct of the Soviet governmental system, says the professor. But he does not feel "from what Powers has said as reported by the Associated Press" that brainwashing techniques have been used.

A much more important item to consider, he says, is the effect on prisoners of normal Soviet

## Perspective Narrowed

During such preliminary interrogation, the professor explains, prisoners may be held incommunicado. As a result they tend to lose their perspective, since they have no one to talk to but their questioners.

They may eventually turn to their interrogator for advice, ask him what it might be best for them to say at the trial.

"A bad system," adds Professor Berman, "but entirely correct under Soviet law.

"The thing to watch for now is what Powers might say about his own feelings regarding what he did. Any signs of repentance.

[Soviet counsel for Mr. Powers has already begun asking the court for leniency since his client is "showing signs of true repentance," and this is, says Professor Berman, entirely within the normal pattern of Soviet court procedure.]

## 'Repentance' Sought

In Soviet courts once repentance has been expressed, leniency is possible, says Professor Berman, since repentance is normally the object of a trial, once a confession of guilt has been obtained, such as in the case of Mr. Powers.

Professor Berman has written several studies of Soviet civil and military law.

In 1959 he represented the family of Sir Arthur Conan Doyle in an unsuccessful effort to obtain payment of royalties on the distinguished author's book published in the U.S.S.R.

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